IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9071 OF 2007

Kashinath Krishna Gosavi .. Petitioner

Versus

Shankar Krishna Gosavi & Ors. .. Respondents

Mr.S.R.Ganbavale for petitioner

CORAM : S.C.DHARMADHIKARI, J.

DATE : 19th December 2007

P.C.

. The petitioner has filed an application Exh.121 for review of an order passed in favour of the decree holder, giving him police aid for enforcement of a decree of permanent injunction. The petitioner's application was dismissed which

was heard along with decree holders application. Review therefrom is also dismissed. Mr.Ganbavale for petitioner - judgement debtor submits that under the garb of executing the decree, the decree holder is preventing petitioner from drawing water from a well on the subject land. Now that police protection is given, the petitioner cannot go and draw water from the said well.

2. If such is the nature of the difficulty faced by the petitioner, then, to that limited extent, he can always be permitted to apply to the Executing Court and the Executing Court, then to consider the request of petitioner, irrespective of the fact that it had earlier rejected the application and review therefrom. Petition disposed of accordingly.

(S.C.Dharmadhikari, J)